

**COUNTY COUNCIL OF FREDERICK COUNTY**  
**RULES OF PROCEDURE**

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## **CHAPTER 1 GENERAL PROVISIONS**

### **1-1    Definitions**

The following terms have the meanings indicated.

- (a) “Bill” means any proposed act of the County Council resulting in a law or ordinance. It may not mean a resolution that is intended to have the effect of law.
- (b) “Charter” means the Charter of Frederick County, Maryland.
- (c) “Council” means the County Council of Frederick County, Maryland.
- (d) “County” means Frederick County, Maryland.
- (e) “Final reading” means the process by which a bill is presented to the Council in its final form and during which the Council votes on whether the bill, as presented in its final form, passes or fails.
- (f) “Legislative activity” means activities that may result in the passage of a bill.
- (g) “Member” means Council member.
- (h) “President” means President of the Council or the Vice-President of the Council or other member while presiding in the President’s absence.

### **1-2    Robert’s Rules of Order**

In all matters not provided for in these Rules, the applicable rules in the current edition of Robert’s Rules of Order Newly Revised govern.

### **1-3    Suspension of Rules**

- (a) Except for a rule that is required by law, the Charter, or ordinance, a motion to suspend one or more of these Rules requires the affirmative vote of at least four members for adoption.
- (b) A separate suspension of the rules is required for each proposition.
- (c) A rule that is required by law, the Charter, or ordinance cannot be suspended.

#### **1-4 Change in Rules**

- (a) These Rules may not be amended unless the proposed amendment is:
  - 1. Prepared in the same form and manner as that required for an amendment to a bill;
  - 2. Submitted to the Council at least one meeting before it is considered; and
  - 3. Adopted by the affirmative vote of at least four Council members.
- (b) A rule that is required by law, the Charter, or ordinance cannot be amended.

### **CHAPTER 2 MEETINGS GENERALLY**

#### **2-1 Council President and Vice-President**

- (a) At the first scheduled meeting of the Council in December following an election, and every two years thereafter, the members of the Council shall elect a President and a Vice-President, from among the Council members and address such other matters they require.
- (b) With the affirmative vote of at least four Council members a President shall be elected from the Council membership.
- (c) With the affirmative vote of at least four Council members a Vice-President shall be elected from the Council membership.
- (d) The President and Vice-President shall serve during their term of office or until a majority of the Council shall choose to elect new officers.

#### **2-2 Legislative Days**

- (a) The President shall schedule the final readings of bills on the first and third Tuesdays of the month, pursuant to the Charter. When the first or third Tuesday falls on a holiday, a final reading of bills may be scheduled for the next succeeding Tuesday. When the final reading of a bill occurs, the day shall be termed a "Legislative Day."
- (b) At a meeting which is scheduled as a Legislative Day, the agenda items shall be reserved for bills scheduled for final reading, the introduction of new bills, and ceremonial functions.
- (c) Proposed amendments to a bill scheduled for final reading may be entertained and voted at meetings which are Legislative Days. If such amendments are substantive (See Rule 5-13), the bill shall not be adopted at the meeting. The President shall schedule a public hearing on the amended bill, after which the bill may be scheduled for final reading, pursuant to the Charter.

### **2-3 Other Meetings**

At any Council meeting, except those scheduled as Legislative Days, the Council may perform any activity or engage any subject matter that is within its powers and duties to perform or engage. The subject matter and activities include, but are not limited to: conducting public hearings on legislative matters, fact finding and inquiry, proposing and adopting bill amendments, as well as deliberating and debating legislation and legislative policy. The activities and subject matter reserved for Legislative Days are provided in the Charter (see Section 303) and Rule 2-2.

### **2-4 Cancellation and Adjournment of Meetings**

- (a) Scheduled meetings of the Council may be cancelled by the President or the Council. The President may cancel a scheduled meeting due to inclement weather or other emergency. The Council may cancel a scheduled meeting by an affirmative vote of at least four members, provided that the vote is taken at least seven calendar days before the canceled session. Should a scheduled meeting be cancelled, any public hearings that may have been scheduled for that meeting shall be rescheduled.
- (b) Except for business scheduled to occur on a Legislative Day, if business cannot be concluded at the meeting in which it is scheduled for discussion, the Council may adjourn the proceedings to a later date, except the proceedings may not be scheduled for a meeting scheduled as a Legislative Day.

### **2-5 Special Meetings**

A Special Meeting is a meeting that occurs on a day other than a regularly scheduled Tuesday meeting. A Special Meeting may be called by the President or by four Council members.

## **CHAPTER 3 MEETING LOGISTICS**

### **3-1 Meeting Time and Location**

- (a) Council meetings shall be scheduled to convene in the Council meeting room. In accordance with Frederick County Government Administrative Policy and Procedures, Policy #12-52, all Council meetings shall end no later than 11:00 p.m. The presiding officer of the County Council shall have the limited discretion to extend the ending time until midnight, but only for an agenda item that was started on or before 10:00 p.m. on the same night.
- (b) A different time or place than those provided in paragraph (a) may be authorized by the affirmative vote of at least four Council members.

### **3-2 Meeting Notice**

Public notice of meetings, which must include information as to the matters pending before the Council, the purpose of a meeting and its agenda, are to be provided as required by law, the Charter, ordinance, or these Rules.

### **3-3 Copies of Bills**

At its public hearing, copies of a bill will be provided to the public. Thereafter, members of the public may obtain copies of bills for the cost of reproduction. Copies of the proposed bills shall also be maintained on the County website.

### **3-4 Copies of Minutes**

Pursuant to the Charter, copies of the minutes of Council meetings are to be drafted within 21 days of the meeting and posted on the County website after approval.

### **3-5 Council Journal**

- (a) Pursuant to the Charter, a Council journal is to be maintained in which all the formal actions taken by the Council shall be recorded, whether legislative, administrative, or any other types of formal action. The journal shall include all appointments, motions, orders, resolutions, introduction of bills, reports and votes, but may not include transcripts of speeches, debates or other statements or remarks. The journal shall be open to public inspection during normal business hours. If the minutes of the Council meetings contain the same material required to be contained in the journal, the collection of minutes shall constitute the journal; otherwise the journal and minutes shall be separate publications. Copies of the minutes of the Council meetings shall be made available to the public upon approval and shall appear on the County website or otherwise be published using electronic media. Video recordings of meetings that are open to the public pursuant to State law are to be made available on the County's website.
- (b) Every question or motion presented to the Council and seconded for decision, and the title of every resolution or other legislative matter considered, must be recorded in the journal.
- (c) The name of every Council member introducing a bill or resolution, or moving to amend a resolution and/or other legislative matter, is to be entered in the Council journal.
- (d) Roll call votes and the ayes and nays are to be recorded in the Council journal.
- (e) When a bill, resolution, or other legislative matter is recorded in the Council journal, the first time, its title must be entered in full. Thereafter, subsequent entries on any legislative matter may be made by number and abbreviated title.

- (f) Other matters may be entered into the Council journal as may be required by law, the Charter, these Rules, or by the President.

### **3-6 Public Participation at Meetings**

- (a) At public hearings and at all meetings that are not declared Legislative Days, the presiding officer may provide time for members of the public to address the Council on pertinent matters. On Legislative Days, such addresses may be permitted at the discretion of the presiding officer. The presiding officer may set a time limit on public comment. Generally, individuals will have three (3) minutes for public comment; anyone representing an organization will have five (5) minutes for public comment.
- (b) No person will be allowed to address the Council until the appropriate time, as determined by the presiding officer.
- (c) A person who wishes to address the Council cannot proceed until recognized by the presiding officer. Upon recognition, the person must begin by first stating his or her name, home address, and the persons or organization represented, if any.
- (d) A member of the public who wishes to question a Council member or question a person appearing before the Council may be allowed to ask such questions, if permitted by the presiding officer. Such questioning may not occur until the person expressly asks for such permission and permission is expressly granted.
- (e) A person attending a public meeting who is not a member of the Council is a guest of the Council. As a guest, a person may not engage in any conduct that interferes with the right of anyone to attend the meeting or that disrupts a meeting, such as by waving placards, signs, or banners. The presiding officer may order a person who persists in disruptive conduct to be removed from the meeting and may request security or police assistance to restore order.

## **CHAPTER 4 MEETING PREPARATION**

### **4-1 Meeting Agendas**

- (a) The President is to prepare an agenda for each meeting.
- (b) A request by a member to include an item on a given agenda must be submitted to the President no later than 13 calendar days preceding the meeting at which it is proposed for discussion.
- (c) Prior to discussion by the Council, each agenda item must satisfy the public notice requirements established by law, the Charter, or ordinance that may be relevant to the item.



- (d) Each agenda is to be distributed to the Council members no later than seven (7) calendar days preceding the meeting for which it is relevant. After distribution, the President may amend an agenda. Council members may make requests to amend the agenda within 48 hours of receipt. In the event the President amends the agenda, the President will prepare and distribute a replacement agenda.

#### **4-2 Distribution Material**

Before the start of each meeting the President will cause to be provided to Council members in electronic format all bills, resolutions, reports, and motions that are to be discussed no later than five (5) calendar days preceding the meeting.

#### **4-3 Form of Bills and Amendments**

- (a) Pursuant to the Charter, the Council cannot enact any law except by written bill.
- (b) A bill must embrace only a single subject, which is to be described in its title. It must bear the name or names of the members who are responsible for the bill's introduction.
- (c) All bills are to be styled: "Be it enacted by the County Council of Frederick County, Maryland."
- (d) The lines of the text of a bill are to be consecutively numbered beginning at the top line of each page.
- (e) A bill introduced on behalf of the County Executive must be designated as being introduced by the President of the County Council at the request of the County Executive.
- (f) Amendments to a bill are to be appended to the bill and introduced on a plain page in a printed form. The page on which the amendment appears is to state:
  - 1. The number of the bill which it amends;
  - 2. The member or members introducing the amendment;
  - 3. The date of consideration;
  - 4. The amendment number; and
  - 5. Appropriate notations of adoption or rejection typed thereon.

#### **4-4 Bill and Amendment Preparation**

The applicable staff of the County Executive shall prepare and draft a bill for the Executive in coordination with the County Attorney. Legislation introduced by one or more Council members shall be drafted in coordination with the County Attorney. Bills drafted for the Council to be introduced by one or more Council members shall be forwarded to the County Executive prior to the bill's introduction.

## **CHAPTER 5**

### **CONDUCT OF BUSINESS**

#### **5-1 President to Preside**

The President of the Council presides at all meetings unless the President is absent or excuses him or herself.

#### **5-2 Absence of President**

- (a) In the absence of the President, the Vice-President will preside at meetings.
- (b) In the absence of both the President and Vice-President, a majority of the Council members present may designate among themselves a presiding officer.

#### **5-3 Quorum – Number Required**

Pursuant to the Charter, four Council members constitute a quorum for the transaction of business.

#### **5-4 Voting by Roll Call**

Voting is to be by roll call, except on procedural motions. The ayes and nays must be recorded in the Council journal. The order of voting shall be in the numerical order of Council District, with the at-large Council members then voting next in alphabetical order; except that the presiding officer will vote last.

#### **5-5 Bill Introduction**

- (a) A bill is introduced by reading its title.
- (b) A bill may be introduced on any Legislative Day by any one or more members.
- (c) Pursuant to the Charter, on the date a bill is introduced the Council may reject a bill by an affirmative vote of at least five members.
- (d) If a bill is not rejected upon its introduction, the President must schedule a public hearing on the bill. This requirement does not apply to a resolution if no law requires it; however, the President may schedule a public hearing if it would serve the public interest.
- (e) The President may submit a bill to the County Executive for referral to one or more County divisions, agencies, boards, or commissions, including the County Attorney, for comment. Such referrals are to indicate the date by which the division, agency, board, or commission is to reply. Parties in receipt of such referrals shall supply pertinent information the parties believe the Council needs to evaluate the merits of the legislation.

- (f) Pursuant to the Charter, within 72 hours of a bill's introduction, a copy of the bill, with notice of the date, time, and place of the bill's public hearing, must be publicized. This information will appear on the County website or otherwise be published by electronic media.
- (g) If circumstances require it, the President may postpone a scheduled public hearing to a later date, provided that public notice of both the postponement and the subsequent hearing date are provided.

#### **5-6 Public Hearing Required**

A bill that results in a law or ordinance cannot be adopted unless it has been the subject of a public hearing.

#### **5-7 Inaction of a Bill**

A bill not enacted within 90 days of introduction is void. A bill not enacted prior to the month of November in any year in which Council members are elected to office is void.

#### **5-8 Petition for Hearing**

- (a) A bill that has not been scheduled for a public hearing by the President may at any time be the subject of a petition demanding such a hearing.
- (b) Any member may make a motion for a petition demanding a hearing. The motion is to include the date, time, and place of the proposed public hearing. The motion will stand adopted by an affirmative vote of at least four Council members.

#### **5-9 Scheduling Bills for Public Hearing**

- (a) A notice of the public hearing to include the bill title, a fair summary of the bill, the date, time and location of the public hearing shall be published at least once each week for two successive weeks on the County website and in a newspaper of general circulation in the County.
- (b) Except as provided in this Rule, if the President has submitted a bill to a County agency, board, or commission for review, a public hearing on the bill cannot be convened until the President receives a report from the County agency, board or commission and causes the report to be distributed to the Council members. Copies of any such reports shall be available to the public.
- (c) If pursuant to this Rule an entity fails to report on a bill submitted to it, a public hearing on the bill may be commenced by an affirmative vote of at least three members, even in the absence of the report.

#### **5-10 Fiscal Note**

The Division of Finance must prepare a fiscal note on the effects a bill may impose on the revenues, expenditures, liabilities, or assets of the County. Such fiscal note is to be submitted to the President and distributed to the members of the Council, County Executive, and made available to members of the public prior to the bill's public hearing.

#### **5-11 Conduct of Public Hearings**

- (a) Upon convening a public hearing, the presiding officer is to give a brief explanation of the purpose of the hearing.
- (b) As needed, the presiding officer may require a witness to take an oath prior to the witness giving testimony before the Council. The oath is to be in substantially the following form: "Do you solemnly swear or affirm under the penalties of perjury that the testimony you are about to give shall be the whole truth and nothing but the truth?"
- (c) Any Council member, upon recognition by the presiding officer, may question any speaker or witness.
- (d) A Council member may not initiate discussion or engage in debate without the consent of the presiding officer.

#### **5-12 Bill Amendments**

- (a) A bill may be amended any time after its public hearing.
- (b) An agenda item that is not intended to have the effect of law (e.g. a resolution) may be amended at any time. Unless otherwise required by law, such an item is not required to have a public hearing before it is amended or adopted by the Council. The President may schedule a public hearing on such an item at his or her discretion or with the affirmative vote of three of the Council members.
- (c) An amendment shall embrace a single subject only and its subject shall not be different than the subject of the bill proposed for amendment.
- (d) An amendment to a bill cannot be combined with one or more amendments to any other bill.
- (e) A proposed amendment must be reduced to writing before it is adopted.
- (f) Pursuant to the Charter, and except as provided in Paragraph (b) of this Rule, in the event a bill is amended, and the change is substantive, the Council cannot adopt the amended bill until the bill meets the public hearing, notice, and publication requirements of a newly introduced bill.

### **5-13 Final Readings of Bills**

- (a) Only bills eligible for adoption by the Council under the applicable provisions of law, the Charter, ordinance or these Rules may be scheduled for final reading.
- (b) The Council cannot adopt an amended bill on final reading until the bill is reprinted or reproduced as amended.
- (c) Except as provided in Rule 5-15, a bill shall stand adopted by the Council when the Council has adopted a bill scheduled for final reading with an affirmative vote by the required number of members.
- (d) After adoption of a bill, and prior to its submission to the County Executive, if required, the President may correct errors in punctuation, grammar, spelling, formatting, section numbers, references to existing law, as well as improper capitalization, provided such changes do not alter a bill's substance.
- (e) The President shall certify an adopted bill. Thereafter, and pursuant to any relevant provision of law, the Charter, or ordinance, the President shall forward the certified bill to the County Executive for further consideration within 10 business days after enactment of the legislation.

### **5-14 Request for Return**

- (a) Except as provided in Paragraph (b) of this Rule, the Council may request the County Executive to return a bill for further consideration on a motion to reconsider the vote. An affirmative vote of four Council members is required to approve a motion to reconsider the vote.
- (b) An adopted bill shall not be further considered by the Council if it has been approved by the County Executive or deemed approved by operation of Section 306 of the Charter.

### **5-15 Veto Overrides**

- (a) When the County Executive has vetoed a bill and returned it to the Council pursuant to the Charter, the presiding officer must distribute to the Council members, at the next meeting of the Council, whether such a meeting occurs on a Legislative Day or not, the statement of the County Executive to the Council that provides the reasons for the veto. These reasons are to be entered into the Council journal.
- (b) Pursuant to the Charter, not later than the next Legislative session immediately following the receipt of any vetoed legislation, the Council may override the veto by the affirmative vote of five Council members.

## **5-16 Publication Following Enactment**

Pursuant to the Charter, the Council must cause a fair summary of all laws enacted, amended, or repealed under this Charter to be published promptly at least once in a newspaper of general circulation in the County and on the County website or otherwise be published using electronic media.

## **CHAPTER 6 LEGISLATIVE PROCESS**

### **6-1 Preparation of Proposed Bills**

- (a) Majority vote of the Council is required to move an item forward.
- (b) After majority of the Council votes to move an item forward, staff will prepare a draft bill.
- (c) At an administrative session of the Council, there will be a discussion of the draft bill.
- (d) The draft bill will be presented to the Council on a Legislative Day for consideration of adoption.

## **CHAPTER 7 EXECUTIVE APPOINTMENTS**

### **7-1 Initial Information**

- (a) As needed, the President may submit a letter to the County Executive specifying the documents, background information, and other material that the President requests accompany County Executive appointments.
- (b) At the next meeting following submission of such a letter to the County Executive, the President must distribute the letter to the Council and it must be entered in the Council journal.
- (c) If an appointment is made to the Council without the requested information, the presiding officer must submit the appointment to the Council at its next meeting with a motion to reject the appointment outright or reject the appointment “without prejudice,” as provided in these Rules.
- (d) As provided in Section 806 of the Charter, “All appointed officers and employees of the Government holding office at the Effective Date of the Charter shall continue to be employed at their existing compensation, subject, however, to the provisions of any

relevant personnel laws, rules, or regulations.” No County Council action will be required for these officers and employees to continue to be employed.

## **7-2 Confirmation**

- (a) The Council may proceed in considering an appointment by the County Executive in any manner it deems prudent, which may include a public hearing on the appointment.
- (b) When the Council is ready to consider the appointment, the President is to put the question to the Council as to whether the Council should confirm or reject the appointment.
- (c) An affirmative vote of at least four Council members is required to confirm an appointment.
- (d) Pursuant to the Charter, if the Council fails to act on an appointment within 30 days after the question of appointment has been submitted to it, the appointment stands confirmed.
- (e) Upon the confirmation or rejection of an appointment, the President must notify the County Executive as to the Council’s vote.

## **7-3 Rejection without Prejudice**

- (a) If, for any reason unrelated to the merit of an appointment in question, the Council is unwilling or unable to timely confirm the appointment, the Council may, by the affirmative vote of at least four Council members, reject an appointment “without prejudice.”
- (b) Upon rejection under this Rule, the President is to notify the County Executive in writing of the Council’s action. The notice must state the circumstances that prevented a timely confirmation and invite the County Executive to resubmit the appointment when these circumstances are alleviated.